

United States District Court

EASTERN

DISTRICT OF

MICHIGAN

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

JAMES PATRICK FINN

F I L E
SEP 06 2007CLERK'S OFFICE
DETROITD CASE NUMBER:
07-30422

I, Angel Potter, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about July 17, 2007 in Wayne County, in the Eastern District of Michigan defendant did:

Knowingly receive any child pornography that has been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer; or any material that contains child pornography that has been mailed, shipped or transported in interstate or foreign commerce by any means, including by computer;

And did knowingly possess any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer in violation of Title 18 United States Code, Section(s) 2252A(a)(2) and 2252A(a)(5)(B).

I further state that I am a(n) Special Agent with DHS Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof:

X Yes No

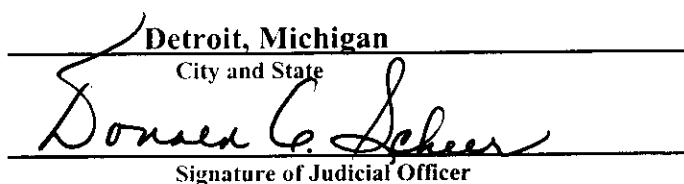

Signature of Complainant

Angela Potter
Immigration & Customs Enforcement

Sworn to before me and subscribed in my presence,

Thursday September 6th, 2007 at Detroit, Michigan
Date

Donald A. Scheer, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

STATE OF MICHIGAN :

: ss. AFFIDAVIT

COUNTY OF WAYNE :

I, Angela Potter, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) in Detroit, Michigan and have been so employed since April 16, 2006. I am responsible for investigations involving the importation and distribution of child pornography, which occur in the Eastern District of Michigan. I am further responsible for enforcing federal criminal statutes along with other agents involving the sexual exploitation of children pursuant to Title 18 United States Code, Sections 2252 and 2252A.
2. This Criminal Complaint is made in support of an application for a warrant to arrest James Patrick FINN for evidence of violations of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(a)(5)(B) child pornography violations including those pertaining to the illegal receipt and possession of child pornography.
3. Because this Criminal Complaint is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that FINN has violated 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(B).
4. As a result of the investigation described more fully below, there is probable cause to believe that FINN has violated Title 18 U.S.C. 2252A(a)(2) and 2252A(a)(5)(B).
5. The Department of Homeland Security, Immigration and Customs Enforcement (ICE)

Special Agent in Charge (SAC) Detroit Office and ICE Attache Ottawa together with Canadian authorities assigned to the National Child Exploitation Coordination Center, Customs and Border Services Agency, Ontario Provincial Police, Waterloo Regional Police Service and Ottawa Police Services initiated an internet based Child Pornography investigation of web sites known to host a variety of boy/girl lover chats, and the individuals directly associated with these web sites. James Patrick FINN of 3373 Applewood Avenue, Lincoln Park, MI 48146 was identified as an individual who is directly associated with this investigation.

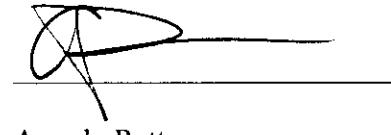
6. On 07/17/07, Wayne County Sheriff's Department Internet Crimes Unit, pursuant to an separate and ongoing investigation, executed search warrant at 3373 Applewood Avenue, Lincoln Park, MI 48146, the residence of James Patrick FINN. During the search of FINN'S residence, Deputies discovered one computer connected to the internet, which was, at that time logged into a newsgroup reader and running. The newsgroup that was being accessed contained images of child pornography. Other newsgroups listed on FINN's computer at the time were titled in such a way to suggest that all dealt with sexual interest or activity with boys, particularly age 12.

7. Additional investigation of the hard drive of the computer revealed a "library" of child exploitation material consisting of at least twenty five (25) movies and a collection of at least three hundred (300) images of child pornography.

8. On 08/07/07, Wayne County Sheriff's Department Internet Crimes Unit turned over all evidence seized from 3373 Applewood Avenue, Lincoln Park, MI 48146 to ICE SAC Detroit to assist in an investigation of FINN that had been commenced by ICE.

9. In connection with the ICE investigation of FINN, Affiant reviewed the material that was on FINN's computer. The Affiant has personally viewed the images that had been in FINN'S possession and observed them to depict several digital images and videos young (pre-teen and early teen) males exposing their genitals, engaged in sexual activity, and being sexually assaulted by adults.

10. Based upon the foregoing, there is probable cause to believe James Patrick FINN has received and possessed child pornography in violation of 18 U.S.C. 2252A(a)(2) and 2252A(a)(5)(B). Accordingly this Affiant respectfully request that this Court issue an arrest warrant.

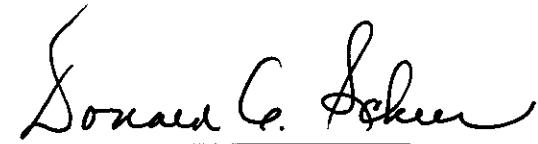


Angela Potter

Subscribed and Sworn

Special Agent, DHS/ICE

before me this 6th day of September 2007



Honorable Donald A. Scheer, U.S. Magistrate Judge